

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 IO-13 CIAE-00 DODE-00 PM-04 H-01  
INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02  
SS-15 USIA-06 ACDA-07 CPR-01 SCA-01 /080 W  
-----311905Z 008924 /47

R 312148Z MAY 77  
FM AMEMBASSY BONN  
TO SECSTATE WASHDC 8683  
USMISSION USBERLIN  
INFO AMEMBASSY BERLIN  
AMEMBASSY LONDON  
AMEMBASSY MOSCOW  
AMEMBASSY PARIS  
USMISSION NATO

C O N F I D E N T I A L SECTION 01 OF 02 BONN 09232

E.O. 11652: GDS  
TAGS: PFOR, PGOV, WB, UR, US, UK, FR  
SUBJECT: STATUS OF SOVIET CONSULATE GENERAL PERSONNEL  
IN WEST BERLIN

REFS: (A) USBER 827; (B) USBER 2571 (1971);  
(C) USBER 2172 (1971); (D) USBER 2120 (1971)

BEGIN SUMMARY: ALLIED BONN GROUP REPS HAVE REACHED AD  
REF AGREEMENT ON A TEXT REJECTING THE SOVIET OBJECTION  
CONCERNING THE APPLICATION OF THE "RULE OF TEN" TO THE  
SOVIET CONSULATE GENERAL IN WEST BERLIN. ACTION  
REQUEST: APPROVAL OF TEXT. END SUMMARY

1. IN MAY 27 MEETING, ALLIED BONN GROUP REPS REACHED  
AD REF AGREEMENT ON THE TEXT OF AN ALLIED RESPONSE  
REJECTING THE SOVIET OBJECTION (REF A) TO THE APPLICA-  
TION TO THE SOVIET CONSULATE GENERAL OF THE LONG-  
STANDING ALLIED PRACTICE IN WEST BERLIN WHICH LIMITS  
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TO TEN THE NUMBER OF NAMES WHICH APPEAR ON THE PROTOCOL  
LIST.

2. BEGIN TEXT:

A. THE THREE WESTERN POWERS IN BERLIN HAVE  
AUTHORIZED ME TO MAKE THE FOLLOWING REPLY TO THE

STATEMENT MADE ON 18 MARCH BY A REPRESENTATIVE OF THE  
SOVIET CONSULATE-GENERAL REGARDING THE STATUS OF CERTAIN  
OF THE STAFF OF THE CONSULATE-GENERAL.

B. THE THREE WESTERN POWERS DO NOT ACCEPT THE  
ASSERTIONS MADE IN THOSE REPRESENTATIONS THAT THE PRE-  
SENT LIMITATION ON THE NUMBERS OF STAFF OF THE CONSULATE  
GENERAL WHO ARE ENTITLED TO CONSULAR PRIVILEGES AND  
IMMUNITIES HAS NEVER BEEN FIXED IN ANY DOCUMENT OR IN  
ANY NEGOTIATION, NOR DO THEY ACCEPT THAT IT IS AN  
ATTEMPT TO CHANGE UNILATERALLY THE TERMS OF THE  
ESTABLISHMENT OF THE SOVIET CONSULATE-GENERAL IN THE  
WESTERN SECTORS OF BERLIN. IN AGREED MINUTE II OF  
3 SEPTEMBER 1971 IT IS PROVIDED THAT THE CONSULATE-  
GENERAL WILL BE ACCREDITED TO THE APPROPRIATE AUTHORI-  
TIES OF THE THREE GOVERNMENTS IN ACCORDANCE WITH THE  
USUAL PROCEDURES APPLYING IN THE WESTERN SECTORS  
OF BERLIN AND THAT APPLICABLE ALLIED AND GERMAN LEGIS-  
LATION AND REGULATIONS WILL APPLY TO THE CONSULATE-  
GENERAL. IN EXERCISE OF THEIR SUPREME AUTHORITY IN  
THE WESTERN SECTORS OF BERLIN, THE THREE WESTERN POWERS  
HAVE THE RIGHT TO DECIDE ON THE ENTITLEMENT TO PRIVI-  
LEGES AND IMMUNITIES IN THE WESTERN SECTORS OF BERLIN.  
IN EXERCISE OF THOSE RIGHTS IT HAS BEEN A  
LONG-STANDING PRACTICE OF THE THREE POWERS TO RESTRICT  
THE NUMBER OF PERSONS ENJOYING CONSULAR PRIVILEGES AND  
IMMUNITIES IN EACH CONSULATE TO TEN. THIS PRACTICE  
IS APPLIED TO ALL CONSULATES IN THE WESTERN SECTORS OF  
BERLIN WITHOUT DISCRIMINATION AND WITH REGARD TO THE  
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SOVIET CONSULATE-GENERAL IS NOT AFFECTED BY THE PROVI-  
SION IN AGREED MINUTE II RESTRICTING THE TOTAL NUMBER  
OF SOVIET NATIONALS EMPLOYED IN THE CONSULATE-GENERAL  
TO TWENTY. INDEED, IT WAS MADE CLEAR IN THE NEGO-  
TIATIONS IMPLEMENTING THE MEASURES IN AGREED MINUTE II  
WHICH WERE HELD IN THE PERIOD BETWEEN THE SIGNATURE  
OF THE QUADRIPARTITE AGREEMENT AND THE SIGNATURE OF THE  
FINAL QUADRIPARTITE PROTOCOL THAT, SUBJECT TO THE  
LIMITATIONS ON ITS ACTIVITIES MENTIONED IN  
AGREED MINUTE II, THE CONSULATE-GENERAL WOULD HAVE NO  
PRIVILEGES GOING BEYOND THOSE OF OTHER CONSULATES-  
GENERAL IN THE WESTERN SECTORS OF BERLIN.

C. THE THREE WESTERN POWERS THEREFORE SEE NO  
BASIS FOR THE COMPLAINTS RAISED ON 18 MARCH BY THE  
REPRESENTATIVE OF THE SOVIET CONSULATE-GENERAL.

END TEXT

3. FYI: WE HAVE BEEN UNABLE TO FIND ANY INDICATION

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AMEMBASSY PARIS  
USMISSION NATO

C O N F I D E N T I A L SECTION 02 OF 02 BONN 09232

THAT THE SOVIETS WERE SPECIFICALLY INFORMED OF THE RULE  
OF TEN IN THE NEGOTIATIONS ON THE IMPLEMENTATION OF  
AGREED MINUTE II OF THE QA. HOWEVER, OUR RECORDS  
(REFS B, C AND D) MAKE IT CLEAR THAT THE SOVIETS WERE  
INFORMED THAT THEIR CONSULATE WOULD BE EXPECTED TO  
OPERATE ACCORDING TO EXISTING REGULATIONS APPLIED TO  
OTHER CONSULATES IN BERLIN. IN PARTICULAR (REF B),  
ALLIED REPS ON DECEMBER 22, 1971 ASKED FOR KHOTULEV'S  
REACTION TO THE DECEMBER 1970 CIRCULAR LETTER TO CON-  
SULATES WHICH HAD BEEN HANDED TO THE SOVIETS ON  
DECEMBER 14. (THE DECEMBER 1970 LETTER LAYS DOWN  
RULES FOR THE OPERATION OF CONSULATES IN WEST BERLIN  
BUT DOES NOT SPECIFICALLY MENTION THE "RULE OF TEN".  
THE "RULE OF TEN" HAD BEEN CONVEYED TO CONSULATES IN  
1967 AND WAS A MATTER OF PUBLIC RECORD.) KHOTULEV  
RESPONDED THAT AS LONG AS CONDITIONS SET FORTH IN THE  
LETTER APPLIED TO ALL CONSULATES AND THAT THESE  
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ACCORDED WITH PROVISIONS OF AGREED MINUTE II, THEY  
WERE ACCEPTABLE TO THE SOVIETS. KHOTULEV SAID THAT  
HE UNDERSTOOD THAT THE VIENNA CONVENTION WOULD GOVERN  
SOVIET CONSULATE ACTIVITY. ALLIED REPS RESPONDED THAT  
THIS WAS SO AS QUALIFIED BY ALLIED LEGISLATION AND THE  
PROVISIONS OF THE QA. END FYI.

4. ACTION REQUESTED: THAT THE DEPARTMENT APPROVE THE  
TEXT IN PARA 3 FOR DELIVERY BY ALLIED MISSIONS IN  
BERLIN.  
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## Message Attributes

**Automatic Decaptioning:** X  
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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AGREEMENT DRAFT, BERLIN TRIPARTITE MATTERS, CONSULAR PERSONNEL, DIPLOMATIC PROTOCOL, STATUS OF BERLIN  
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**Copy:** SINGLE  
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**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
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**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Expiration:**  
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**Litigation History:**  
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**Message ID:** cde6cc8f-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION EUR  
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**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
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**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 77 USBERLIN 827, 77 USBERLIN 2571, 77 USBERLIN 2172, 77 USBERLIN 2120  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 02-Feb-2005 12:00:00 am  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 2453924  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** STATUS OF SOVIET CONSULATE GENERAL PERSONNEL IN WEST BERLIN  
**TAGS:** PFOR, PGOV, WB, UR, US, UK, FR  
**To:** STATE USBERLIN  
**Type:** TE  
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**Review Markings:**  
Margaret P. Grafeld  
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